REMARKS

Initially, in the Office Action the Examiner has rejected claims 11-16 under 35 USC § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0266 397 (Smith, et al). Claims 1-10 have been rejected in the 35 USC § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0128 047 (Gates) in view of U.S. Patent Application Publication No. 2001/000 5859 (Okuyama, et al).

Claims 1-16 remain pending in the present application.

35 USC § 102 Rejections

Claims 11-16 have been rejected under 35 USC § 102(e) as being anticipated by Smith, et al. Applicant respectfully traverses these rejections.

Smith, et al discloses a communication device that includes a memory and a message manager application. The memory includes a message memory for storing one or more messages and a contacts memory for storing one or more contacts. Each of the stored messages includes a message source and a message receipt time. The message manager application compares the message source of a message to the stored contacts and retains storage of the message when its message source is one of the stored contacts.

Regarding claims 11 and 14, Applicant submits that Smith, et al does not disclose or suggest the limitations in the combination of this claim of, *inter alia,* resolving contact list conflicts between the received contact list data and contact data already stored on the first mobile phone, or storing the new mobile phone contact list data in the first mobile phone. The Examiner asserts that Smith, et al discloses resolving contact list data conflicts in paragraphs 23–26. However, these portions merely disclose details regarding the user interface, details regarding the operation of the message manager application, and that the message manager application compares contacts stored in the contacts memory with a sender of each of the messages stored in the message memory and selectively deletes only messages in which the

sender is not stored within the contacts memory. This is not <u>resolving contact list</u> <u>data conflicts between the received contact list data and contact data already stored</u> <u>on the first mobile phone</u> or storing <u>the new mobile phone contact list data</u> in the first mobile phone, as recited in the claims of the present application. Smith, et al merely relates to checking a sender of a message and comparing the sender with contacts in a memory and if the sender is not in the contacts memory, deleting the message from the sender. Smith, et al does not disclose or suggest <u>resolving contact list data con-</u> <u>flicts</u>. Further, Smith, et al does not disclose or suggest resolving conflicts between <u>received contact list data and contact data already stored</u>. Smith, et al merely discloses checking <u>one contact that is the sender of the message</u> with contacts stored in memory. This is not a <u>received contact list data</u>, as recited in the claims of the present application. Further, Smith, et al does not disclose or suggest storing <u>a new</u> <u>mobile phone contact list data</u>. Smith, et al merely relates to checking the sender of the message and either storing or deleting the message based on the sender being in a contact memory.

Regarding claims 12, 13, 15 and 16, Applicant submits that these claims are dependent on one of independent claims 11 and 14 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that Smith, et al does not disclose or suggest the limitations in the combination of each of claims 11-16 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

<u>35 USC § 103 Rejections</u>

Claims 1-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0128047 (Gates) in view of U.S. Patent Application Publication No. 2001/0005859 (Okuyama, et al). Applicant respectfully traverses these rejections.

Gates discloses controlling a mobile telecommunications device where the device includes a memory for storing a list of contacts each having an e-mail address associated therewith and a keypad including a short-cut key, the method comprises

the steps of accessing the list of contacts stored in the memory; selecting a contact from said list; accessing a screen for composing an e-mail message having a recipient address field by activating the short-cut key, wherein activation of said key also enters the e-mail address of said selected contact in the recipient address field; composing an e-mail message; and activating the short cut key to send said message to the address entered in the recipient address field.

Okuyama et al discloses a text messaging system that consists of a mobile terminal connected to a mobile communication network, a information terminal connected to a computer network, and a server connected to the mobile communication network and the computer network. The information terminal has status detection means, and detects an operational status including at least the connection status of the computer network and notifies the server of it. The server has status administration means and a decision means. The status administration means retain the operational status of the information terminal notified from status detection means for each user. The decision means determines a send mode according to the operational status of the information terminal such as whether to send a text message to an information terminal or to send a text message with a network application.

Regarding claim 1, Applicant submits that none of the cited references, taken alone or in any proper combination disclose, suggest, or render obvious the limitations in the combination of this claim of, *inter alia*, adding the selected contacts from the mobile phone contact list to a message and sending a message containing selected contacts to the one or more other mobile phones using the mobile phone messaging service. The Examiner asserts that these limitations are disclosed in Gates at figures 4a and b, and paragraphs 57-60 and 63. However, these portions of Gates merely disclose that a shortcut key can be used to determine whether a create email message window with an email address of a contact is used to send an email to the selected contact or whether a phone number of the contact is used to send a telephone call to the contact when the contact has been selected. The email address is automatically entered in the recipient address field or the call is automatically initiated to the telephone number if selected when the shortcut key is pressed. This is not

adding selected contacts from the mobile phone contact list to a message, as recited in the claims of the present application. Gates is merely directed to using a shortcut key to either automatically put a recipient's email address from a contact list in a created email "to" field or initiate a call to a telephone number of a contact. Gates does not disclose or suggest adding selected contacts from the mobile phone contact list to a message. The Examiner asserts that this would be obvious from the disclosure of Gates. However, according to the limitations in the claims of the present application, one or more contacts may be selected from the mobile phone contact list and added to a message. In contrast, Gates merely discloses the selection of one contact and either sending the one contact an email or calling the one contact. The adding of the contact to a message in Gates would defeat the purpose of Gates that is directed towards a short-cut key being used for creation of an email to the contact or initiating a telephone call to the contact to prevent the user from having to manually type these in. In Gates, if the contact is in the message, this goes against the purpose of Gates. Gates does not disclose or suggest putting more than one or more contacts from a mobile contact list in a message and sending the message, nor would these limitations be obvious from the disclosure of Gates. Moreover, Gates does not disclose or suggest sending the message containing selected contacts to one or more other mobile phones using the mobile phone messaging service as recited in the claims of the present application. Gates is directed to either sending emails or making a telephone call.

The Examiner further asserts that Okuyama, et al teaches text message sent from one mobile terminal to another mobile terminal, "the message is adding the other contact with the phone number to a text message and send it" and cites figures 1 and 2 and paragraphs 37 and 38. However, figure 1 is merely a functional block diagram of a text messaging system and figure 2, a conceptual explanatory diagram of data stored in a status-storing module. Further, paragraphs 37 and 38 merely disclose that when a sender sends a text message, a phone number of the sender may be added to the text message such that when the message is received, the receiver may contact the sender by phone instead of sending a character message. This is

not adding <u>selected contacts from a mobile phone contact list</u> to a message, or <u>sending the message containing selected contacts</u>, as recited in the claims of the present application. Okuyama, et al merely discloses sending a phone number of a sender. This is not <u>selected contacts from a mobile phone contact list</u>.

Regarding claims 2-10, Applicant submits that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1-10 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Conclusion

In view of the foregoing remarks, Applicant submits that claims 1-16 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner has any questions about the present amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

John W. Northcutt
(Applicant)

Date: January 30, 2008   By: _____
Frederick D. Bailey
Registration No. 42,282
Moore & Van Allen PLLC
P.O. Box 13706
Research Triangle Park, N.C. 27709
Telephone: (919) 286-8000
Facsimile: (919) 286-8199